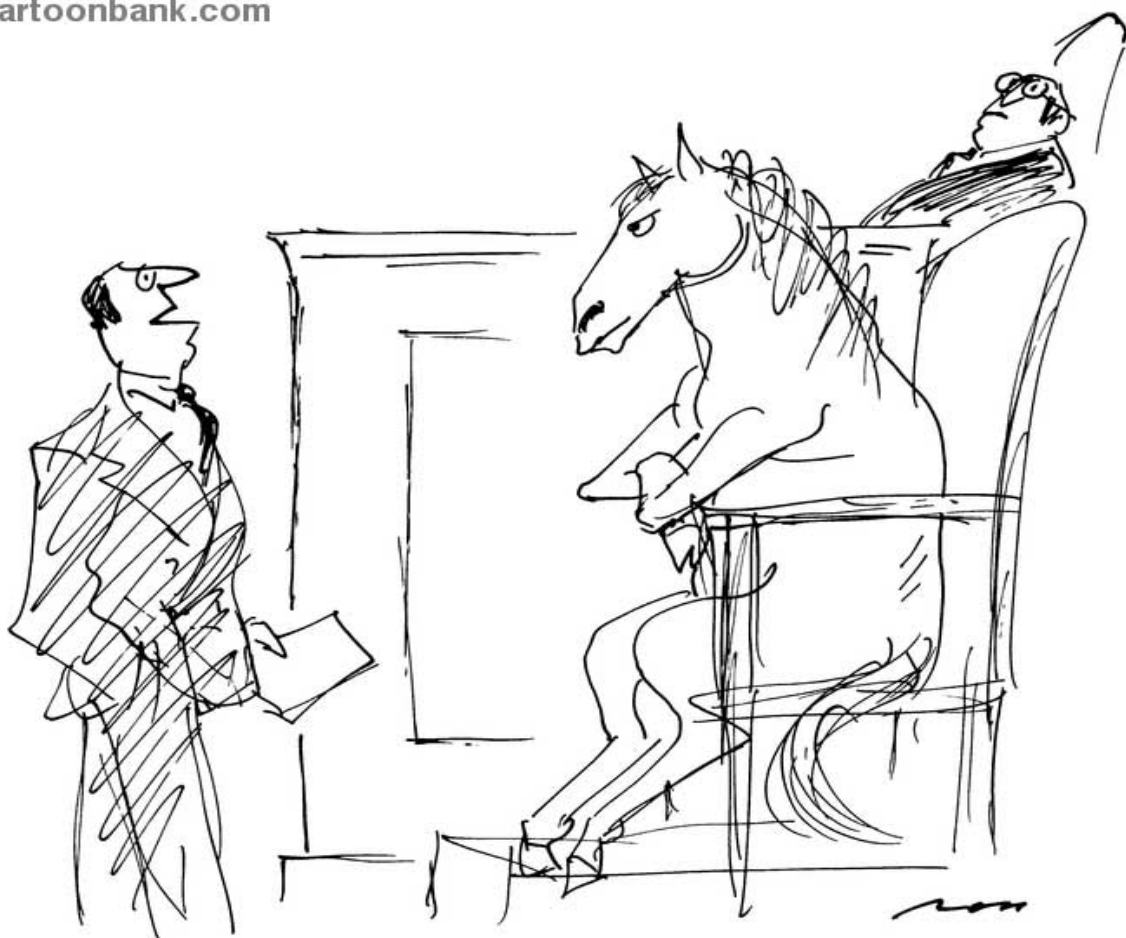


**AGENDA**  
**EXCOMM MEETING**  
Trusts and Estates Section  
State Bar of California

October 8, 2006  
Monterey Marriott  
9:00 a.m. to 3:00 p.m.

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*“And, of course, when the King said ‘A horse, a horse! my kingdom for a horse!’ you assumed he was serious?”*

## **WELCOME, INTRODUCTIONS AND REPORTS OF CHAIR/VICE CHAIR**

- |   |                                     |          |
|---|-------------------------------------|----------|
| 1 | Welcome & Introductions             | [POTTS]  |
| 2 | Approval of Minutes of June Meeting | [POTTS]  |
| 3 | Report of Chair                     | [POTTS]  |
| 4 | Report of Vice Chair                | [HARTOG] |
| 5 | Report of Section Administrator     | [ORLOFF] |

## **II ADMINISTRATIVE MATTERS**

- |   |                                                  |          |
|---|--------------------------------------------------|----------|
| 1 | Finance and Budget – Financial Report            | [HARTOG] |
| 2 | Nominating Committee/Introduction of New Members | [POTTS]  |

## **III COMMITTEE, TASK FORCE AND LIAISON REPORTS**

- |   |                                                                                                               |             |
|---|---------------------------------------------------------------------------------------------------------------|-------------|
| 1 | Legislation                                                                                                   | [REGGIARDO] |
| a | Pending Proposals of Other Sections Response Deadline                                                         |             |
| b | New Legislative Session Timing (Two-Year Bills)                                                               |             |
| b | Timeline for TEEComm legislative proposals                                                                    |             |
| c | Mandatory procedures re legislative proposals                                                                 |             |
| d | Online Bill Tracking legislative information:<br><a href="http://www.leginfo.ca.gov/">www.leginfo.ca.gov/</a> |             |

### **IMPORTANT GUIDELINES:**

- Please use approved format for legislative proposals.
- Please use approved comment form for legislation comments.
- Always write to Larry Doyle, not directly to a member of legislature or legislative staff.
- Confirm testimony needs with Legislation Chair.
- If you agree to testify, be there unless otherwise notified

- |     |                                                                         |         |
|-----|-------------------------------------------------------------------------|---------|
| 2   | Litigation Committee                                                    | [KOVAR] |
| a   | New cases                                                               |         |
| b   | Our Pending Legislative Projects                                        |         |
| (1) | T&E 2007-02 – Trial & Appellate Statutory Conformity                    |         |
| (2) | T&E 2007-03 – Will & Trust Contests, Service Conformity                 |         |
| (3) | T&E 2007-04 – Attorney Client Privilege, Survival After Death of Client |         |
| (4) | T&E 2007-05 – Arbitrability of Cases under EADACPA                      |         |

- (5) T&E 2007-06 – Court Ordered Mediation of Probate Cases
  - b Projects
    - (1) Rule of Court 7.1151 [Horton]
    - (2) McAdams and Borissoff
- 3 Computer/Internet [GAW]
  - a Workroom Progress Reports
- 4 Estate Planning Committee [PAYNE]
  - a Legislative Bills
    - (1) AB 69 - Multiple Party Accounts – (support if amended) (two-year bill) [MacDonald]
    - (2) AB 2568 – Tangible Personal Property (support if amended) (chaptered) [Wallet/Jaech]
    - (3) SB 1272 – Advance Healthcare Directives (follow) (two-year bill) [MacDonald]
  - b Projects
    - (1) Government Code Section 8201 – Modification of Notary Rules
  - c Other Section Proposals
    - (1) FL-2007-11 – Estate Planning During Dissolution
- 5 CLRC Committee [MOORE/STREISAND]
  - a No Contest Clause Study [Kovar]
  - b Family Law Money Judgments/Enforcement After Death – AB 2126 (support) (chaptered) [Moore]
  - c Revocable Deed Study [Ito/MacDonald]
  - d Certificate of Independent Review Study [Contact Person Assigned]
- 6 Membership & Marketing [LAWSON]
  - a Membership count
  - b Marketing of education programs
  - c Staffing tables at MCLE programs
- 7 Quarterly [STREISAND]
  - a Fall 2006 Issue
  - b Winter 2007 - Solicitation of articles
  - c Advertising [Hayes]
- 8 Ethics Committee [HORTON/LODISE]
  - a Report of Liaison to Rules Revision Commission/  
B&PC § 6068.5, Proposed Rule 1.14 [Stern/Lodise]
  - b Status of Ethics Guide Update (target: annual meeting)

- 9 Educating Seniors [COREY]
- a Legislative Bills
    - (1) SB 308 Recording Fees: Elder and Dependent Adult Financial Abuse (support) (enrolled) [Pollard]
    - (2) SB 192: Annuity Sales to Seniors/Suitability Standards (support) (two-year bill) [Corey]
  - b Projects
    - (1) Elder Abuse Brochure [Corey/Tong]
    - (2) Information Card and Senior Outreach Program [Tong]
    - (3) Coordination with Office of Emergency Services [Pollard]
- 10 Conservatorship/Guardianship Reform Act Task Force [STERN/LODISE]
- a Legislative Bills
    - (1) AB 1363 - Omnibus conservatorship and guardianship reform act (oppose unless amended) (chaptered) [Lodise/Stern]
    - (2) SB 1116 - Least Restrictive Residence, Sale of Residence Amendments (support if amended) (chaptered) [Stern/Lodise]
    - (3) SB 1550 – Professional Fiduciaries Act (support if amended) (chaptered, message) [Corey/Wallet]
    - (4) SB 1716 – Ex Parte Communications in Conservatorship Proceedings (support) (chaptered) [Lodise/Wallet]
  - b Projects
    - (1) Privacy Issues in Protective Proceedings [Lodise]
    - (2) SB 1550 cleanup
    - (3) Judicial Council Task Force
- 11 Incapacity [STERN]
- a Legislative Bills
    - (1) AB 2340 – Healthcare Surrogates (BLS 2006-05) (support) (dropped) [Stern]
    - (2) SB 1609 – Reverse mortgages: annuities (support) (chaptered) [Corey/Tong]
    - (3) AB 3013 – HIPAA (opposition withdrawn) (enrolled) [Horton/Beltran]
    - (4) SB 1197 – DHS Notice of Death (support if amended) (enrolled) [Stern/Burger]
  - b Our Pending Legislative Proposals
    - (1) SB 1307 – HIPAA Conformity (chaptered) [Horton]
    - (2) AB 2042 – Trustee Removal for Incapacity (chaptered) [Horton]
  - c Medi-Cal Update: Recovery and Disability Regulations; DRA Implementation [Stern]
  - d Projects
    - (1) PC § 1470 – Appointed counsel for already represented [Beltran]
    - (2) PC §§ 2590, 2591 – Independent powers of conservator [Green]
    - (3) Investment Standards (BOG approved, re-submit to Leg)

- (4) Conservatorship of Hume, inclusion of out of state property in conservatorship inventory [Brown]
- 12 AB 651 - California Compassionate Choices Act Task Force [TONG]  
(technical amendments) (two-year bill)
- 13 CEB [GOOD]
  - a Upcoming Programs
- 14 Education [ALBERIO]
  - a State Bar Annual Meeting Programs
  - b Stand Alone programs
    - (1) International Estate Planning [Ito]
    - (2) Form 706 Preparation [Orloff/Tong]
  - c 2007 Winter SEI
  - d Your Legal Rights [Tong]
- 15 Trust & Estate Administration Committee [DOCKER]
  - a Legislative Bills
    - (1) AB 2864 – Statute of Limitations (follow) (chaptered)
  - b Our Pending Legislative Proposals
    - (1) AB 2347 – UPAIA cleanup (enrolled) [Burger]
    - (2) AB 2042 – Trustee Removal for Incapacity (chaptered) [Horton]
  - c Projects
    - (1) Arluk/Dobler & Trust Creditor Claim Issues [Wallet]
    - (2) Creditor Claim Harmonization (BOG approved, re-submit to Leg) [Hartog]
    - (3) Attorney Fee Shifting Consolidation Provision [Contact Name Needed]
    - (4) Comment to Judicial Council Rule Change on Mandatory Judicial Council Forms
  - d Other Section Proposals
    - (1) FL-2007-08 – Survivor Benefit Offsets Against Family Allowance
- 16 Income and Transfer Taxes [HAYES]
  - a Cases
    - (1) McCord
  - b Legislative Bills
    - (1) Property Taxation
      - (a) SB 1607 – Property Taxation (follow) (chaptered)
      - (b) AB 2799 – Sibling Transfers (follow) (dead)
    - (2) Income and Corporation Taxes – SB 1713 (follow) (dead)
  - c Federal Legislative Developments
    - (1) Pension Protection Act

- |    |                                                         |          |
|----|---------------------------------------------------------|----------|
| 17 | NCCUSL                                                  | [HENDEN] |
|    | a Uniform Trust Act/Professor English [Moore]           |          |
|    | b Uniform Prudent Management of Institutional Funds Act |          |
| 18 | Conference of Delegates                                 | [TONG]   |
| 19 | Family Law Liaison                                      | [MOORE]  |
| 20 | New Business                                            |          |
| 21 | COMING ATTRACTIONS                                      |          |

FUTURE EXCOMM EVENT  
November 11, 2006  
Los Angeles